

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Edward J. Stashluk Jr. et al.
Serial No.: 10/775,368
Filing Date: February 10, 2004
Group Art Unit: 3689
Examiner: Thuy-Vi Thi Nguyen
Confirmation No.: 9915
Title: COMPUTER GENERATED MERCHANDISE
RETURN LABELS WITH RULES-BASED CODING

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

APPEAL BRIEF

Appellants have appealed to the Board of Patent Appeals and Interferences (“*Board*”) from the Final Office Action dated January 20, 2011 (the “*Office Action*”) and the Advisory Action dated April 7, 2011 (the “*Advisory Action*”), finally rejecting Claims 1-5, 7-22, 24-28, and 30-38, pending in this case.

Appellants filed a Notice of Appeal in this matter on April 20, 2011.

REAL PARTY IN INTEREST

This Application is currently owned by Newgistics, Inc. as indicated by an assignment recorded on June 23, 2004 from assignors Edward J. Stashluk, Michael J. Stevens, Jennifer A. Milch, Phillip J. Sidari, and Terry Combs to Newgistics, Inc., in the Assignment Records of the PTO at Reel 016430, Frame 0909.

RELATED APPEALS AND INTERFERENCES

To the knowledge of Appellant's counsel, there are no known interferences, judicial proceedings, or other proceedings that will directly affect or be directly affected by or have a bearing on the Board's decision regarding this Appeal.

STATUS OF CLAIMS

Claims 1-5, 7-22, 24-28, and 30-38 were pending and stand rejected pursuant to a Final Office Action dated January 20, 2011 ("*Final Office Action*") and the Advisory Action dated April 7, 2011 ("*Advisory Action*"). Specifically, Claims 1-5, 7-22, 24-28, and 30-35 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent Application Publication No. 2002/0013744 issued to Tsunenari et al. ("*Tsunenari*") in view of U.S. Patent No. 6,015,167 issued to Savino et al ("*Savino*") and further in view of *Official Notice*. Claims 36-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tsunenari* in view of *Savino*, *Official Notice* , and further in view of U.S. Patent Application No. 2002/0032612 to Williams et al. ("*Williams*").

For the reasons discussed below, Appellants respectfully submit that the rejections of Claims 1-5, 7-22, 24-28, and 30-38 are improper and should be reversed by the Board. Accordingly, Appellants present Claims 1-5, 7-22, 24-28, and 30-38 for Appeal. A copy of the amendments as currently presented and rejected is included in Appendix A of this Appeal Brief.

STATUS OF AMENDMENTS

Claims 1, 8, 14, 25, and 33-38 were amended in a Response to Office Action submitted by Appellants on March 17, 2011 (*Response to Final*, pp. 2-13). The *Advisory Action* indicates that all amendments made in the *Response to Final* have been entered. A copy of the amendments as currently presented and rejected is included in Appendix A of this Appeal Brief.

SUMMARY OF CLAIMED SUBJECT MATTER

This invention described herein is a merchandising method and system that permits a merchant to provide pre-authorized returns, for which the customer need not pay shipping charges. The merchant provides a special return label to the customer, which has machine readable data that enables shipping charges to be assessed at a point of delivery. The return label is generated according to stored merchant rules, which are evaluated against data associated with the returned item, such as data about the item itself, the transaction associated with the item, the customer, or the package in which the item is to be shipped. The return label is then generated and formatted to reflect shipping parameters that best satisfy the business rules. (*Specification*, page 6, lines 2-15).

Overview of Returns with Postage Due Shipping

FIGURE 1 illustrates a returns process that uses postage due return labels in accordance with the invention. In the embodiment of FIGURE 1, returns are processed through a returns provider that handles returns for multiple merchants. However, as stated above, the method described herein may be easily adapted for a returns provider that handles only returns for a single merchant. In either case, the merchant is considered to “maintain” at least one returns center, whether by directly maintaining the returns center(s) or by associating with a third party that does so. (*Specification*, page 9, lines 4-15).

In Step 110, a merchant has delivered an item to a customer. In Step 111, the customer has decided to return the item, herein referred to as “the return item”. (*Specification*, page 9, lines 16-18).

A returns label 20 has already been, or is to be, provided to the customer. In the example of FIGURE 1, the return label 20 is delivered as an enclosure with the customer’s original order, such as by being part of the customer invoice or a separate insert. (*Specification*, page 9, lines 19-23).

In other embodiments, return label 20 could be downloaded from a data network and printed by the customer, or otherwise delivered to the customer by means other than being included with the merchandise delivery. For example, the return label 20 could be separately mailed or send as by facsimile. As another example, the customer might access a website provided by the merchant, link to a returns page, and download the data for printing the return label. (*Specification*, page 9, lines 24-32).

Return label 20 is “pre-authorized” in the sense that the customer need not seek authorization from the merchant. The customer is apprised by the merchant that returns are pre-authorized, such as by information on the invoice or other shipping documents. The notification may be explicit on the return label or elsewhere or may be implicit. The customer is further apprised that the customer need not pay shipping charges, such as by a “no postage necessary” printing on the return label 20. (*Specification*, page 10, lines 1-9).

An example of a suitable return label 20 is described below in connection with FIGURES 2 and 3. (*Specification*, page 10, lines 10-11).

The customer affixes the returns label 20 to the packaging for the return item, and hands over the return item to a carrier, without paying any shipping charges to the carrier. The customer need not affix any indicia of postage or other shipping costs to the packaging. In the example of this description, the customer may simply deposit the package into the US postal system, by putting it into a mailbox (if postal compliant), dropping it off at a postal drop, or taking it to a post office. The return is local to the customer in the sense that the customer may select whatever drop-off point is most convenient. (*Specification*, page 10, lines 12-23).

As further explained below in connection with FIGURE 2, return label 20 is preprinted to indicate at least the destination for the item and the package origin (the point where the customer places the package with a carrier). Typically, the destination and origin are identified by addresses, including postal codes. For purposes of this description, “postal codes” include the ZIP (zone improvement plan) codes of the USPS and similar codes used in other countries. (*Specification*, page 10, lines 24-32).

The returns label further indicates that delivery charges are to be paid by a recipient. It further identifies the transaction leading to the return. Typically, this is a purchase transaction and the identification is by invoice number or other indicia of the package or its contents. In other embodiments, the transaction could be a warranty claim or repair request. (*Specification*, page 11, lines 1-7).

In Step 112, the carrier delivers the return item to the returns provider. As stated above, in the embodiment of FIGURE 1, the initial point of return for the package is a specialized returns center, which may receive returns for more than one merchant. The returns center may be regional for a large area such as the United States. In other words, a

large geographic area may have a number of returns centers. (*Specification*, page 11, lines 8-15).

For a returns provider having regional returns centers, the return label 20 may ensure “reverse zone skipping”. At the time the data for each returns label 20 is composed, the destination address on the label 20 is determined. (*Specification*, page 11, lines 16-20).

The destination address is typically that of a carrier station (such as a postal center) nearest the customer. This may mean that return packages are carried from the customer drop-off location to a destination associated with the carrier for pickup by the returns provider. For example, where the carrier is the USPS, the package could be delivered to one of 21 regional bulk mail centers (BMCs). The package is delivered to the BMC closest to the location of the returns provider. The returns provider may then pick up accumulated packages addressed to it. Equivalently, the carrier then may deliver the package directly to the returns center. In either case, the destination address is considered to be “to” a returns center closest to the customer. (*Specification*, page 11, line 21 through page 12, line 2).

In Step 114, the returns provider receives the package from the carrier. The returns provider scans the return label on the package and weighs the package. Any special shipping flags or indicia are entered at this time. In this manner, the returns provider receives multiple packages, which may be items originating from multiple merchants, throughout a daily course of business. (*Specification*, page 12, lines 3-10).

In a process known as “manifesting”, the returns provider calculates the shipping charges due to the carrier and electronically manifests the carrier. Typically, this is done on a daily basis. In the example of this description, the returns provider pays the carrier, and is compensated by the merchant for carrier costs and other services. (*Specification*, page 12, lines 11-17).

The returns provider then sorts the packages by merchant, again using data printed on return label 20, and collects the packages associated with each merchant. The final destination code is encoded on the return label, and may also be printed in human readable form. For large volume merchants, the destination code may be associated with a package chute and/or a docking door. (*Specification*, page 12, lines 18-24).

The returns provider may also provide “value added” services for the benefit of the merchant, such as notification of the return to merchant or notification to the customer of receipt of the package. For example, the returns provider may use the scanned return label

information to notify the customer and/or the merchant that the package has been received. (*Specification*, page 12, lines 25-31).

In Step 116, after aggregating the packages for each merchant, the returns provider further ships them in accordance with whatever policies are specified for that merchant. For example, the returns provider may palletize shipments back to the merchant. The return label data is used to create a bill of lading, with data such as pallet counts, package counts, and shipment weight. (*Specification*, page 13, lines 1-8).

In Step 118, the package is handled according to the disposition policy of the merchant, such as by being returned to stock, sent to a re-seller, liquidator, or otherwise disposed. (*Specification*, page 13, lines 9-12).

A processing center 119 is used to collect data scanned from return labels, and to process the returns. The processing center 119 includes computer processing equipment, including computers, data storage, and networking equipment, appropriate for communication of data to and from returns centers, merchants, and customer, as appropriate. (*Specification*, page 13, lines 13-19).

The computing equipment is programmed to fulfill the various data processing services described herein. For example, processing center 119 may provide a web page or other network-accessible data source, accessible by customers for obtaining information about returns and data for printing return labels. It also stores business rules from merchants, which are typically delivered to it by electronic transmission over a data communications network. As explained below, the processing center 119 match data on the return label to these merchant rules, which may specify disposition of the package or other rules for handling the return. (*Specification*, page 13, lines 20-31).

Returns Label Provided to the Customer

FIGURE 2 illustrates an example of a return label 20, suitable for use with the merchandise return method of FIGURE 1. In the example of FIGURE 2, the carrier is the USPS. Return label 20 incorporates data appropriate for the merchandise return service offered by the USPS, as well as data used for additional services provided by the returns provider. As stated above, other or additional carriers having the equivalent of postage due capabilities could be used, in which case, return label 20 would be modified to comply with the requirements of those carriers. (*Specification*, page 14, lines 1-12).

The customer's address 21 is printed on the upper left corner of label 20. This address matches the original delivery address. (*Specification*, page 14, lines 13-15).

The visual flag 22 is a human readable code, that can be used for various purposes. In the example of this description, flag 22 is a destination code that indicates a final package destination. Examples of final destinations are a merchant's warehouse, a liquidator, or a warranty, recall or repair center. This destination code may match a destination code embedded in barcode 25. In other embodiments, flag 22 could correlate to any sort of business "rule" of a merchant. As another example, visual flag 22 could indicate a quality of service, such as whether the package is to expedited or held for some reason. Or flag 22, could indicate the contents of the package, such as whether it is "high value" for special handling. (*Specification*, page 14, lines 16-29).

In general, flag 22 permits the package to be manually sorted at the returns center for subsequent routing. The examples set out above for its use are merchant-specific, in the sense that the flag is specific to a particular merchant and its returns processing rules. The flag, being human readable, can be easily correlated to rules displayed on a display in communication with processing system 119. These displays can be conveniently located at stations at the returns center and the displayed information used for sorting and other handling decisions. (*Specification*, page 14, line 30 through page 15, line 8).

The merchandise return rectangle 23 is specific to the carrier and pertains to the relationship between the carrier and the returns provider. In the example of this description, it states the USPS permit information of the returns provider. (*Specification*, page 15, lines 9-13).

The delivery address 24 is, as explained above, the address of a delivery location that is geographically nearest the customer. This determination of this address is dependent on the customer's postal code, as specified during the transaction leading to the return (such as the purchase transaction). As stated above, the delivery address could be a carrier center, such as a USPS bulk mail center, where it is held for pickup by the returns provider. (*Specification*, page 15, lines 14-22).

Barcode 25 is a dynamically generated machine-readable code that is based on unique information about the specific transaction involving the item(s) being returned. An example of barcode data is described below, but in general, the barcode data provides data for information servers 119 so that various "value added" returns processing tasks may be

performed, such as manifesting of shipping charges, notifications to the customer and/or merchant, and final disposition of the returned item. (*Specification*, page 15, lines 23-32).

The barcode data permits the returns center to correlate the returned item back to the transaction with the customer. One type of correlation is an invoice number, as indicated by the example below. (*Specification*, page 16, lines 1-4).

Barcode 25 may comprise various alphanumeric or numeric only formats. Various other types of machine readable coding could be used as an alternative to bar-coding, such as other types of optical scan data or radio frequency identification (RFID) tagging. The coding may be printed or may be some other format, such as the electronic circuitry used in an RFID tag. (*Specification*, page 16, lines 5-11).

The “postage due” insignia 26, including the horizontal bars 26a, indicates to the customer and the carrier that shipping charges are to be paid by the recipient. (*Specification*, page 16, lines 12-15).

Barcode 25 is a “third party barcode” in the sense that need not be specified by the carrier, which in this case, is the USPS. Although not shown in FIGURE 2, return label 20 may have one or more additional barcodes, for example a barcode containing data for the carrier’s use, such as for carrier tracking or return confirmation. (*Specification*, page 16, lines 16-21).

With regard to the claims currently under Appeal, Appellants provide the following concise explanation of the subject matter recited in the claim elements. For brevity, Appellants does not necessarily identify every portion of the Specification and drawings relevant to the recited claim elements. Additionally, this explanation should not be used to limit Appellants’ claims but is intended to assist the Board in considering the Appeal of this Application.

For example, independent Claim 1, as appealed, recites:

A computer-implemented method of providing merchandise return labels for enabling a customer to ship a package containing one or more items previously acquired from a merchant during a unique transaction (i.e., *Specification*, Figure 1, reference numerals 110-118; Figure 4, reference numerals 41-47; Figure 7, reference numerals 71-77; Figures 5A-5C, reference numerals 501-533; page 9, line 4 through page 13, line 31; page 20, line 7 through page 21, line 26; page 23, line 3 through page 25, line 25), comprising the steps of:

accessing item data representing at least one detail about the item (i.e., *Specification*, Figure 1, reference numeral 119; Figure 7, reference numeral 72; page 23, lines 25-30);

accessing transaction data representing at least one detail including an identification of the transaction associated with the item (i.e., *Specification*, Figure 1, reference numeral 119; Figure 7, reference numeral 73; page 23, lines 25-28 and 30-32);

accessing customer data representing at least one detail about a customer associated with the transaction including a shipping origin (i.e., *Specification*, Figure 1, reference numeral 119; Figure 7, reference numeral 74; page 23, line 32 through page 24, line 6);

accessing package data representing at least one detail about the package in which the item is expected to be shipped (i.e., *Specification*, Figure 1, reference numeral 119; Figure 7, reference numeral 75; page 23, lines 25-28; page 24, lines 6-11);

using a computer operated by the merchant from whom the item was acquired or a specialized returns center associated with the merchant to process returns to correlate the item data, transaction data, customer data, and package data, with a set of stored business rules to determine coding to be printed on a return shipping label; wherein the set of stored business rules specify how packages are to be shipped from the customer to a returns center and represent guidelines for determining choice of carrier, shipping destination, shipping rate, and package disposition for shipment from the customer to the returns center (i.e., *Specification*, Figure 1, reference numerals 114 and 119; Figure 7, reference numerals 71-77; Figure 5A, reference numerals 505-508; page 22, line 17 through page 23, line 2; page 24, lines 12-27);

in response to correlating the item data, transaction data, customer data, and package data with the set of stored business rules specifying how packages are to be shipped, using the computer operated by the merchant from whom the item was acquired or the specialized returns center associated with the merchant to generate a first machine readable code for the return shipping label for shipment from the customer to the returns center, wherein the data represented by the first machine readable code comprises a plurality of data points, at least a first of the plurality of data points included in the first machine readable code representing at least the shipping origin of the package and at least a second data point in the first machine readable code representing the identification of the transaction (i.e., *Specification*, Figure 1, reference numerals 114 and 119; Figure 3, reference numeral 25; Figure 7, reference numerals 71-77; Figure 5A, reference numerals 505-508; page 16, line 28 through page 18, line 2);

in response to correlating the item data, transaction data, customer data, and package data with the set of stored business rules specifying how packages are to be shipped from the customer to the returns center, using the computer operated by the merchant from whom the item was acquired or the specialized returns center associated with the merchant to format the return shipping label, such that the return shipping label contains the first machine readable code and complies with shipping label specifications of

the choice of carrier, the first machine readable code not associated with the carrier and in addition to a second carrier-specified machine readable code also present on the shipping label (i.e., *Specification*, Figure 1, reference numerals 114 and 119; Figure 7, reference numerals 71-77; Figure 5A, reference numerals 505-508; page 23, line 3 through page 24, line 27); and

in response to receiving the package containing the item for return, scanning the first machine readable code by the merchant or by the specialized returns center to correlate the first machine readable code with one or more business rules for performing returns processing for the merchant associated with the transaction (i.e., *Specification*, Figure 6, reference numerals 61-65; page 12, lines 3-10; page 13, lines 1-31; page 18, lines 3-9; page 25, lines 20-25).

As another example, independent Claim 14, as appealed, recites:

Software for providing merchandise return labels for enabling a customer to ship a package containing one or more items previously acquired from a merchant during a unique transaction (i.e., *Specification*, Figure 1, reference numeral 119; Figure 7, reference numerals 71-77; Figures 5A-5C; page 13, lines 13-31; page 23, line 3 through page 25, line 9), the software embodied in a memory and comprising programming operable when executed by a computer to:

access item data representing at least one detail about the item (i.e., *Specification*, Figure 1, reference numeral 119; Figure 7, reference numeral 72; page 23, lines 25-30);

access transaction data representing at least one detail including an identification of the transaction associated with the item (i.e., *Specification*, Figure 1, reference numeral 119; Figure 7, reference numeral 73; page 23, lines 25-28 and 30-32);

access customer data representing at least one detail about a customer associated with the transaction including a shipping origin (i.e., *Specification*, Figure 1, reference numeral 119; Figure 7, reference numeral 74; page 23, line 32 through page 24, line 6);

access package data representing at least one detail about the package in which the item is expected to be shipped (i.e., *Specification*, Figure 1, reference numeral 119; Figure 7, reference numeral 75; page 23, lines 25-28; page 24, lines 6-11);

correlate the item data, transaction data, customer data, and package data, with a set of stored business rules to determine coding to be printed on a return shipping label; wherein the set of stored business rules specify how packages are to be shipped from the customer to the returns center and represent guidelines for determining choice of carrier, shipping destination, shipping rate, and package disposition for shipment from the customer to the returns center (i.e., *Specification*, Figure 1, reference numerals 114 and 119; Figure 7, reference numerals 71-77; Figure 5A, reference numerals 505-508; page 22, line 17 through page 23, line 2; page 24, lines 12-27);

in response to correlating the item data, transaction data, customer data, and package data with the set of stored business rules specifying how packages are to be shipped, generate a first machine readable code for the return shipping label for shipment from the customer to the returns center, wherein the data represented by the first machine readable code comprises a plurality of data points, at least a first of the plurality of data points included in the first machine readable code representing at least the shipping origin of the package and at least a second data point in the first machine readable code representing the identification of the transaction (i.e., *Specification*, Figure 1, reference numerals 114 and 119; Figure 3, reference numeral 25; Figure 7, reference numerals 71-77; Figure 5A, reference numerals 505-508; page 16, line 28 through page 18, line 2);

in response to correlating the item data, transaction data, customer data, and package data with the set of stored business rules specifying how packages are to be shipped from the customer to the returns center, format the return shipping label, such that the return shipping label contains the first machine readable code and complies with shipping label specifications of the selected shipping carrier, the first machine readable code not associated with the carrier and in addition to a second carrier-specified machine readable code also present on the shipping label (i.e., *Specification*, Figure 1, reference numerals 114 and 119; Figure 7, reference numerals 71-77; Figure 5A, reference numerals 505-508; page 23, line 3 through page 24, line 27); and

in response to receiving the package containing the item for return, scanning the first machine readable code by the merchant or by the specialized returns center to correlate the first machine readable code with one or more business rules for performing returns processing for the merchant associated with the transaction (i.e., *Specification*, Figure 6, reference numerals 61-65; page 12, lines 3-10; page 13, lines 1-31; page 18, lines 3-9; page 25, lines 20-25).

As another example, independent Claim 28, as appealed, recites:

Software for providing merchandise return labels for enabling a customer to ship a package containing one or more items previously acquired from a merchant during a unique transaction (i.e., *Specification*, Figure __, reference numeral __; page __, lines __), the software embodied in a memory and comprising programming operable when executed by a computer to:

access item data representing at least one detail about the item (i.e., *Specification*, Figure 1, reference numeral 119; Figure 7, reference numeral 72; page 23, lines 25-30);

access transaction data representing at least one detail including an identification of the transaction associated with the item (i.e., *Specification*, Figure 1, reference numeral 119; Figure 7, reference numeral 73; page 23, lines 25-28 and 30-32);

access customer data representing at least one detail about a customer associated with the transaction including a shipping origin (i.e., *Specification*, Figure 1, reference numeral 119; Figure 7, reference numeral 74; page 23, line 32 through page 24, line 6);

correlate the item data, customer data, and transaction data with a set of stored business rules to determine coding to be printed on a shipping label; wherein the set of stored business rules specify how packages are to be shipped from the customer to the returns center and represent guidelines for determining a selected shipping carrier, a shipping destination, and a shipping class or rate for shipment from the customer to the returns center (i.e., *Specification*, Figure 1, reference numerals 114 and 119; Figure 7, reference numerals 71-77; Figure 5A, reference numerals 505-508; page 22, line 17 through page 23, line 2; page 24, lines 12-27);

in response to correlating the item data, customer data, and transaction data with the set of stored business rules specifying how packages are to be shipped, generate a first machine readable code for the return shipping label for shipment from the customer to the returns center, wherein the data represented by the first machine readable code at least the shipping origin of the package and at least a second data point in the first machine readable code representing the identification of the transaction (i.e., *Specification*, Figure 1, reference numerals 114 and 119; Figure 3, reference numeral 25; Figure 7, reference numerals 71-77; Figure 5A, reference numerals 505-508; page 16, line 28 through page 18, line 2);

in response to correlating the item data, customer data, and transaction data with the set of stored business rules specifying how packages are to be shipped from the customer to the returns center, format the return shipping label, such that the return shipping label contains the first machine readable code and complies with shipping label specifications of the selected shipping carrier, the first machine readable code not associated with the carrier and in addition to a second carrier-specified machine readable code also present on the shipping label (i.e., *Specification*, Figure 1, reference numerals 114 and 119; Figure 7, reference numerals 71-77; Figure 5A, reference numerals 505-508; page 23, line 3 through page 24, line 27); and

in response to receiving the package containing the item for return, scanning the first machine readable code by the merchant or by the specialized returns center to correlate the first machine readable code with one or more business rules for performing returns processing for the merchant associated with the transaction (i.e., *Specification*, Figure 6, reference numerals 61-65; page 12, lines 3-10; page 13, lines 1-31; page 18, lines 3-9; page 25, lines 20-25).

As another example, dependent Claim 7, as appealed, recites:

wherein the customer data represents customer preferences, at least one customer preference comprising a customer-selected choice of carrier (i.e., *Specification*, Figure 1, reference numeral 119; Figure 7, reference

numeral 74; page 23, line 32 through page 24, line 6), and wherein the method further comprises:

using the computer operated by the merchant from whom the item was acquired or the specialized returns center associated with the merchant to format the return shipping label as required by the customer-selected choice of carrier (i.e., *Specification*, Figure 1, reference numerals 114 and 119; Figure 7, reference numerals 71-77; Figure 5A, reference numerals 505-508; page 23, line 3 through page 24, line 27).

Dependent Claim 24 recites certain similar claim elements.

As another example, dependent Claim 12, as appealed, recites:

accessing carrier center location data (i.e., *Specification*, page 11, line 21 through page 12, line 2; page 15, lines 16-22; page 20, lines 14-23); and

using the computer associated with the merchant or the specialized return center to format the return shipping label to include a carrier center location closest to the merchant or the specialized returns center as the shipping destination such that the package is delivered to carrier center location and picked up by the merchant or the specialized returns center (i.e., *Specification*, page 11, line 21 through page 12, line 2; page 15, lines 16-22; page 20, lines 14-23).

Dependent Claim 17 recites certain similar claim elements.

As another example, dependent Claim 13, as appealed, recites:

wherein the carrier center location closest to the merchant or the specialized returns center is a bulk mail center (i.e., *Specification*, page 11, line 21 through page 12, line 2; page 15, lines 16-22; page 20, lines 14-23).

Dependent Claim 18 recites certain similar claim elements.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Are Claims 1-5, 8-11, 14-16, 18-22, 25-28, and 30-38 unpatentable under 35 U.S.C. § 103(a) over the proposed *Tsunenari-Savino-Official Notice* combination?

Are Claims 7 and 24 unpatentable under 35 U.S.C. § 103(a) over the proposed *Tsunenari-Savino-Official Notice* combination?

Are Claims 12-13 and 17-18 unpatentable under 35 U.S.C. § 103(a) over the proposed *Tsunenari-Savino-Official Notice* combination?

ARGUMENTS

Claims 1-5, 7-22, 24-28, and 30-38 are pending and stand rejected pursuant to a Final Office Action dated January 20, 2011 (“*Final Office Action*”) and the Advisory Action dated April 7, 2011 (“*Advisory Action*”). Specifically, the *Final Office Action* rejects Claims 1-5, 7-22, 24-28, and 30-35 under 35 U.S.C. § 103(a) over the proposed *Tsunenari-Savino-Official Notice* combination. The *Final Office Action* also rejects Claims 36-38 under 35 U.S.C. § 103(a) over the proposed *Tsunenari-Savino-Official Notice-Williams* combination. For at least the following reasons, Appellants respectfully submit that these rejections are improper and should be reversed by the Board.

I. Legal Standard for Obviousness

The question raised under 35 U.S.C. § 103 is whether the prior art taken as a whole would suggest the claimed invention taken as a whole to one of ordinary skill in the art at the time of the invention. One of the three basic criteria that must be established by an Examiner to establish a *prima facie* case of obviousness is that “the prior art reference (or references when combined) must teach or suggest ***all the claim limitations***.” See M.P.E.P. § 706.02(j) citing *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991) (emphasis added). “***All words*** in a claim must be considered in judging the patentability of that claim against the prior art.” See M.P.E.P. § 2143.03 citing *In re Wilson*, 424 F.2d 1382, 1385 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970) (emphasis added).

In addition, even if all elements of a claim are disclosed in various prior art references, which is certainly not the case here as discussed below, the claimed invention taken as a whole still cannot be said to be obvious without some reason why one of ordinary skill at the time of the invention would have been prompted to modify the teachings of a reference or combine the teachings of multiple references to arrive at the claimed invention.

The controlling case law, rules, and guidelines repeatedly warn against using an Appellant’s disclosure as a blueprint to reconstruct the claimed invention. For example, the M.P.E.P. states, “The tendency to resort to ‘hindsight’ based upon Appellant’s disclosure is often difficult to avoid due to the very nature of the examination process. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art.” M.P.E.P. § 2142.

The U.S. Supreme Court's decision in *KSR Int'l Co. v. Teleflex, Inc.* reiterated the requirement that Examiners provide an explanation as to why the claimed invention would have been obvious. *KSR Int'l Co. v. Teleflex, Inc.*, 127 S.Ct. 1727 (2007). The analysis regarding an apparent reason to combine the known elements in the fashion claimed in the patent at issue "should be made explicit." *KSR*, 127 S.Ct. at 1740-41. "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.* at 1741 (internal quotations omitted).

The new examination guidelines issued by the PTO in response to the *KSR* decision further emphasize the importance of an explicit, articulated reason why the claimed invention is obvious. Those guidelines state, in part, that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit." *Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in KSR International Co. v. Teleflex Inc.*, 72 Fed. Reg. 57526, 57528-29 (Oct. 10, 2007) (internal citations omitted). The guidelines further describe a number of rationales that, in the PTO's view, can support a finding of obviousness. *Id.* at 57529-34. The guidelines set forth a number of particular findings of fact that must be made and explained by the Examiner to support a finding of obviousness based on one of those rationales. *See id.*

II. Claims 1-5, 8-11, 14-16, 18-22, 25-28, and 30-35 are patentable over the proposed Tsunenari-Savino- Official Notice combination

Independent Claim 1 of the present Application, as amended, recites:

A computer-implemented method of providing merchandise return labels for enabling a customer to ship a package containing one or more items previously acquired from a merchant during a unique transaction, comprising the steps of:

- accessing item data representing at least one detail about the item;
- accessing transaction data representing at least one detail about the transaction associated with the item including an identification of the transaction;
- accessing customer data representing at least one detail about a customer associated with the transaction including a shipping origin;

accessing package data representing at least one detail about the package in which the item is expected to be shipped;

using a computer operated by the merchant from whom the item was acquired or a specialized returns center associated with the merchant to process returns to correlate the item data, transaction data, customer data, and package data, with a set of stored business rules to determine coding to be printed on a return shipping label; wherein the set of stored business rules specify how packages are to be shipped from the customer to a returns center and represent guidelines for determining choice of carrier, shipping destination, shipping rate, and package disposition for shipment from the customer to the returns center;

in response to correlating the item data, transaction data, customer data, and package data with the set of stored business rules specifying how packages are to be shipped, using the computer operated by the merchant from whom the item was acquired or the specialized returns center associated with the merchant to generate a first machine readable code for the return shipping label for shipment from the customer to the returns center, wherein the data represented by the first machine readable code comprises a plurality of data points, at least a first of the plurality of data points included in the first machine readable code representing at least the shipping origin of the package and at least a second data point in the first machine readable code representing the identification of the transaction;

in response to correlating the item data, transaction data, customer data, and package data with the set of stored business rules specifying how packages are to be shipped from the customer to the returns center, using the computer operated by the merchant from whom the item was acquired or the specialized returns center associated with the merchant to format the return shipping label, such that the return shipping label contains the first machine readable code and complies with shipping label specifications of the choice of carrier, the first machine readable code not associated with the carrier and in addition to a second carrier-specified machine readable code also present on the shipping label; and

in response to receiving the package containing the item for return, scanning the first machine readable code by the merchant or by the specialized returns center to correlate the first machine readable code with one or more business rules for performing returns processing for the merchant associated with the transaction.

Thus, Appellants' claim relates to the generation of a return shipping label that "complies with the shipping label specifications of the choice the carrier" and includes both "a first machine readable code" and a "second carrier-specified machine readable code." Appellants' claims further requires that the first machine readable code is "not associated with the carrier" but that the shipping label still "complies with shipping label specifications of the choice of carrier." Whether considered alone or in combination, the cited references do not disclose this combination of claim elements. Additionally, Appellants respectfully submit that one of

ordinary skill in the art at the time of Appellants' invention would not have been motivated to make the proposed combination to result in Appellants' claim language.

- A. The Proposed *Tsunenari-Savino-Official Notice* combination does not disclose, teach, or suggest a return shipping label that “complies with shipping label specifications of the choice of carrier” and includes both “the first machine readable code not associated with the carrier” and “a second carrier-specified machine readable code also present on the shipping label”**

First, Appellants respectfully submit that the Proposed *Tsunenari-Savino-Official Notice* combination does not disclose, teach, or suggest a return shipping label that “complies with shipping label specifications of the choice of carrier” and includes both “the first machine readable code not associated with the carrier” and “a second carrier-specified machine readable code also present on the shipping label,” as recited in independent Claim 1. To reject the claims, the Examiner relies upon *Tsunenari* for disclosure of “the return shipping label” having a “carrier-specified machine readable code” but acknowledges that *Tsunenari* “does not explicitly disclose the shipping label contains an additional machine readable code that represents at least the shipping origin of the package and the identification of the transaction. (*Office Action*, pages 6 and 14-15; *Advisory Action*, page 2). To make up for the deficiencies of *Tsunenari*, the Examiner points to *Savino* for disclosure of the “machine readable code” that is not associated with the carrier. (*Office Action*, pages 6-7 and 15; *Advisory Action*, page 2). Appellants respectfully disagree.

While *Tsunenari* discloses a typical carrier shipping label (*Tsunenari*, paragraphs 62 and 81), Appellants submit that *Savino* does not at all relate to a shipping label that is included on the outside of a package. Rather, though *Savino* uses the term “shipping label,” the background portion of *Savino* makes clear that the “shipping label” is merely a “packing slip” or something similar to a packing slip. (*Savino*, Column 1, lines 36-50; Figures 3 and 5).

Specifically, *Savino* describes that the label includes “a single bar code” that is “linked with purchase and shipping information associated with a purchase order.” (*Savino*, Column 2, lines 7-10). With regard to the label, *Savino* states:

The shipping label includes a single-block bar code 102 which when scanned accesses the scanning system to a plurality of predetermined relevant purchase and shipping information associated with a purchase order which is stored in the supplier database 14 or digital processor 12. A “trigger number” 104 provides an alternative means for accessing the purchase and shipping information provided by the bar code 102. The shipping label 100 may also list some of the purchase and shipping information such as, for example, a customer purchase order number 106, a box quantity number 108, a part quantity number 110 and a customer part number 112.

(*Savino*, column 3, lines 48-61). Thus, though the label is termed a “shipping label” it is not a carrier label and has none of the usual features of a shipping label. Rather, the label merely includes the bar code identifying a packing slip number and printed matter that relates to the customer purchase order no., the number of boxes, the quantity, and the customer part number. (*Savino*, Figure 3). Accordingly, the proposed combination merely results in a package having a first shipping label with a carrier-specific bar code (such as that disclosed in *Tsunenari*) and a second packing slip type label with an additional machine readable code (such as that disclosed in *Savino*). It remains Appellants’ position that neither *Tsunenari* nor *Savino* disclose a return shipping label that “complies with shipping label specifications of the choice of carrier” and includes both “the first machine readable code not associated with the carrier” and “a second carrier-specified machine readable code also present on the shipping label,” as recited in Claim 1.

The Examiner has answered that “the instant claim language failed to provide specific structure and functional distinction between the claimed “shipping label” and that of *Tsunenari/Savino*.” (*Office Action*, page 17; *Advisory Action*, page 2). Appellants respectfully disagree. Appellants’ Claim 1 recites “using the computer . . . to generate a machine readable code **for the return shipping label for shipment from the customer to the returns center**.” As such, Appellants claims do recite specific structure and functional distinction between the claimed “shipping label” and the labels disclosed in *Tsunenari* and *Savino*. Because neither reference nor their proposed combination discloses a return shipping label that “complies with the shipping label specifications of the choice the carrier” and includes both “a first machine readable code” and a “second carrier-specified machine readable code,” Appellants respectfully submit that Claim 1 is allowable over the proposed *Tsunenari-Savino-Official Notice* combination.

For at least these reasons, Appellants respectfully submit that the rejection of Claim 1, together with Claims 2-5, 8-11, and 33-35 that depend from Claim 1, are improper and should be withdrawn. For analogous reasons, Appellants also request that the rejection of independent Claims 14 and 28, together with Claims 15-16, 19-22, and 25-27 that depend on Claim 14 and Claims 29-32 that depend on Claim 28, are also improper and should be withdrawn.

B. The Proposed *Tsunenari-Savino-Official Notice* Combination is Improper

Additionally, because one of ordinary skill in the art at the Appellants' invention would not have been motivated to combine the cited reference, Appellants further submit that the proposed *Tsunenari-Savino* combination is improper.

In the *Office Action*, the Examiner states that "it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the method of generating shipping label of *Tsunenari* to include the shipping label contains the machine readable code which represents customer address and identification of the transaction as taught by *Savino et al* for coordinating shipping and receiving information between supplier/merchant and customers in order to reduce the time consuming and costly." (*Office Action*, page 6-8). It remains Appellants' position, however, that *Savino* teaches away from the proposed combination.

Savino specifically relates to a "single bar code shipping label." (*Savino*, Column 2, lines 7-10, emphasis added). Throughout, *Savino* praises a label that includes a single bar code. According to *Savino*, "if for example, nine bar codes are provided with each packing slip, it will typically take about one minute to scan-in each nine-block label." (*Savino*, Column 1, lines 43-45). As another example, *Savino* explains that "several bar codes increases the likelihood that one or more of the bar codes provides incorrect information." (*Savino*, Column 1, lines 48-50). With regard to previous packing slips, *Savino* discloses that a "drawback is that the packing slip supplied with each purchase order typically includes several bar codes that are scanned by the customer if equipped with an automated receiving system." (*Savino*, Column 1, lines 36-38). Thus, *Savino* actually teaches away from a shipping label that includes more than one bar code. As a result, *Savino* teaches away from

modifying the carrier-specific bar code of *Tsunenari* to include an additional merchant-specific bar code.

The proposed combination does not disclose “the return shipping label contains the first machine readable code and complies with shipping label specifications of the choice of carrier, the first machine readable code not associated with the carrier and in addition to a second carrier-specified machine readable code also present on the shipping label,” as recited in Claim 1.

For at least these additional reasons, Appellants respectfully submit that the rejection of Claim 1, together with Claims 2-5, 8-11, and 33-35 that depend from Claim 1, are improper and should be withdrawn. For analogous reasons, Appellants also request that the rejection of independent Claims 14 and 28, together with Claims 15-16, 19-22, and 25-27 that depend on Claim 14 and Claims 29-32 that depend on Claim 28, are also improper and should be withdrawn.

III. Claims 7 and 24 are patentable over the proposed *Tsunenari-Savino-Official Notice* combination

Dependent Claims 7 and 24 depend upon independent Claims 1 and 14, respectively. Accordingly, dependent Claims 7 and 24 are not obvious over the proposed *Tsunenari-Savino-Official Notice* combination at least because Claims 7 and 24 include the limitations of their respective independent claims, which Appellants have shown above to be allowable.

Additionally, Claims 7 and 24 recite claim elements that further distinguish over the art. For example, Claim 7 recites that “the customer data represents customer preferences, at least one customer preference comprising a customer-selected choice of carrier” and that the method further includes “using the computer . . . to format the return shipping label as required by the customer-selected choice of carrier.” In the *Office Action*, the Examiner identifies *Tsunenari*, specifically, for disclosure of the recited claim elements. (*Final Office Action*, p. 8). Appellants respectfully disagree.

Rather, *Tsunenari* discloses that “maintained in the database server 150 is a list of all carrier services, and their charges for specified transports.” (*Tsunenari*, paragraph 61). According to *Tsunenari*, “[t]he Web server 110 accesses this information as well, to determine which carrier service is the most economical, given the nature of the product to be returned (such as its weight and dimensions) and the pick-up and delivery points.”

(*Tsunenari*, paragraph 61). “Once a destination and a carrier service are selected, the Web server generates shipping label data (S250).” (*Tsunenari*, paragraph 62). Thus, *Tsunenari* merely discloses that the Web server automatically selects the most economical carrier. There is no disclosure in *Tsunenari* of “customer data [that] represents customer preferences” wherein “at least one customer preference compris[es] a customer-selected choice of carrier,” as recited in Claim 7. Likewise, *Tsunenari* does not disclose, teach, or suggest “using the computer . . . to format the return shipping label as required by the customer-selected choice of carrier,” as recited in Claim 7. Because *Savino* and *Official Notice* do not cure these identified deficiencies of *Tsunenari*, Appellants respectfully submit that Claim 7 is allowable over the proposed *Tsunenari-Savino-Official Notice* combination.

For at least these reasons, Appellants respectfully submit that the rejection of Claim 7 is improper and should be withdrawn. For analogous reasons, Appellants also submit that the rejection of Claim 24 is also improper and should be withdrawn.

IV. Claims 12-13 and 17-18 are patentable over the proposed *Tsunenari-Savino-Official Notice* combination

Dependent Claims 12-13 and 17-18 depend upon independent Claims 1 and 14, respectively. Accordingly, dependent Claims 12-13 and 17-18 are not obvious over the proposed *Tsunenari-Savino-Official Notice* combination at least because Claims 12-13 and 17-18 include the limitations of their respective independent claims, which Appellants have shown above to be allowable.

Additionally, Claims 12-13 and 17-18 recite claim elements that further distinguish over the art. For example, Claim 12 recites that “using the computer associated with the merchant or the specialized return center to format the return shipping label to include a carrier center location closest to the merchant or the specialized returns center as the shipping destination such that the package is delivered to the carrier center location and picked up by the merchant or the specialized returns center.” Claim 13 further recites that the “carrier center location closest to the merchant or the specialized returns center is a bulk mail center.” Claims 17 and 18 recite certain similar claim elements. In the *Office Action*, the Examiner identifies *Tsunenari*, specifically, for disclosure of the recited claim elements. (*Final Office Action*, p. 9). Appellants respectfully disagree.

Rather, as discussed above, *Tsunenari* merely discloses that “maintained in the database server 150 is a list of all carrier services, and their charges for specified transports.” (*Tsunenari*, paragraph 61). According to *Tsunenari*, “[t]he Web server 110 accesses this information as well, to determine which carrier service is the most economical, given the nature of the product to be returned (such as its weight and dimensions) and the pick-up and delivery points.” (*Tsunenari*, paragraph 61). Thus, *Tsunenari* merely discloses that the Web server automatically selects the most economical carrier. With regard to the final destination of the package, *Tsunenari* discloses that the “Web server selects a product return destination for the consumer product . . . in accordance with the product type sending the product to a facility at which it may be processed.” (*Tsunenari*, paragraph 60). As an example, *Tsunenari* discloses that “in the case of a laser toner cartridge being returned for recycling, a destination will be chosen at which the recycling can be done.” (*Tsunenari*, paragraph 60). Additionally, *Tsunenari* discloses that the designation may be “further refined in accordance with the location of the consumer, selecting whatever suitable destination is closest to the consumer in order to minimize shipping costs.” (*Tsunenari*, paragraph 60). Thus, *Tsunenari* discloses that the final destination is chosen based on the type of product or the location of the customer. *Tsunenari* does not disclose that the final destination printed on the return shipping label is that of a “**carrier center location**,” as recited in Claim 12. Likewise, *Tsunenari* does not disclose, teach, or suggest “format[ing] the return shipping label to include a carrier-center location **closest to the merchant or the specialized returns center** as the shipping destination **such that the package is delivered to the carrier center location** and picked up **by the merchant or the specialized returns center**,” as recited in Claim 12. Additionally, though *Tsunenari* discloses that multiple items may be returned in bulk rather than individually (*Tsunenari*, paragraph 75), *Tsunenari* does not disclose that the carrier center location “is a bulk mail center,” as recited in Claim 13.

For at least these reasons, Appellants respectfully submit that the rejections of Claims 12-13 are improper and should be withdrawn. For analogous reasons, Appellants also submit that the rejections of Claims 17-18 are also improper and should be withdrawn.

CONCLUSION

Appellants have demonstrated that the present invention, as claimed, is clearly distinguishable over the prior art cited by the Examiner. Therefore, Appellants respectfully request the Board to reverse the final rejections and instruct the Examiner to issue a Notice of Allowance with respect to all pending claims.

The Commissioner is hereby authorized to charge \$540.00 for filing this Brief in support of an Appeal to Deposit Account No. 02-0384 of Baker Botts, L.L.P. No other fees are believed due; however, the Commissioner is authorized to charge any additional fees or credits to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Appellants



Jenni R. Moen
Reg. No. 52,038
(214) 415-4820

Dated: June 20, 2011

Correspondence Address:

at Customer No. **05073**

APPENDIX A:

For the convenience of the Examiner, all claims have been presented whether or not an amendment has been made.

1. A computer-implemented method of providing merchandise return labels for enabling a customer to ship a package containing one or more items previously acquired from a merchant during a unique transaction, comprising the steps of:

accessing item data representing at least one detail about the item;

accessing transaction data representing at least one detail including an identification of the transaction associated with the item;

accessing customer data representing at least one detail about a customer associated with the transaction including a shipping origin;

accessing package data representing at least one detail about the package in which the item is expected to be shipped;

using a computer operated by the merchant from whom the item was acquired or a specialized returns center associated with the merchant to process returns to correlate the item data, transaction data, customer data, and package data, with a set of stored business rules to determine coding to be printed on a return shipping label; wherein the set of stored business rules specify how packages are to be shipped from the customer to a returns center and represent guidelines for determining choice of carrier, shipping destination, shipping rate, and package disposition for shipment from the customer to the returns center;

in response to correlating the item data, transaction data, customer data, and package data with the set of stored business rules specifying how packages are to be shipped, using the computer operated by the merchant from whom the item was acquired or the specialized returns center associated with the merchant to generate a first machine readable code for the return shipping label for shipment from the customer to the returns center, wherein the data represented by the first machine readable code comprises a plurality of data points, at least a first of the plurality of data points included in the first machine readable code representing at least the shipping origin of the package and at least a second data point in the first machine readable code representing the identification of the transaction;

in response to correlating the item data, transaction data, customer data, and package data with the set of stored business rules specifying how packages are to be shipped from the customer to the returns center, using the computer operated by the merchant from whom the item was acquired or the specialized returns center associated with the merchant to format the return shipping label, such that the return shipping label contains the first machine readable code and complies with shipping label specifications of the choice of carrier, the first machine readable code not associated with the carrier and in addition to a second carrier-specified machine readable code also present on the shipping label; and

in response to receiving the package containing the item for return, scanning the first machine readable code by the merchant or by the specialized returns center to correlate the first machine readable code with one or more business rules for performing returns processing for the merchant associated with the transaction.

2. The method of Claim 1, wherein the item data identifies an item type.
3. The method of Claim 1, wherein the item data identifies an item value.
4. The method of Claim 1, wherein the transaction data is a transaction identifier.
5. The method of Claim 1, wherein the transaction data is a transaction date.
6. Cancelled

7. The method of Claim 1, wherein the customer data represents customer preferences, at least one customer preference comprising a customer-selected choice of carrier, and wherein the method further comprises:

using the computer operated by the merchant from whom the item was acquired or the specialized returns center associated with the merchant to format the return shipping label as required by the customer-selected choice of carrier.

8. The method of Claim 1, wherein the customer data identifies the merchant as a payee of shipping costs, and the method further comprises:

in response to receiving the package containing the item for return, scanning the first machine readable code by the merchant or by the specialized returns center to identify the merchant as the payee of shipping charges; and

in response to receiving the package containing the item for return and identifying the merchant as the payee of shipping charges, calculating the shipping charge due to the carrier, the shipping charge based on the cost of shipping the package from the shipping origin associated with the customer to the merchant or the specialized returns center.

9. The method of Claim 1, wherein the package data represents package weight, and the method further comprises:

in response to receiving the package containing the item for return, calculating a shipping charge due to the carrier, the shipping charge based on the package weight and the cost of shipping the package from the shipping origin associated with the customer to the merchant or the specialized returns center.

10. The method of Claim 1, wherein the package data represents package size, and the method further comprises:

in response to receiving the package containing the item for return, calculating a shipping charge due to the carrier, the shipping charge based on the package size and the cost of shipping the package from the shipping origin associated with the customer to the merchant or the specialized returns center.

11. The method of Claim 1, further comprising:

accessing shipping rate data; and

in response to receiving the package containing the item for return, calculating a shipping charge due to the carrier, the shipping charge based on the shipping rate data and the cost of shipping the package from the shipping origin associated with the customer to the merchant or the specialized returns center.

12. The method of Claim 1, further comprising:

accessing carrier center location data; and

using the computer associated with the merchant or the specialized return center to format the return shipping label to include a carrier center location closest to the merchant or the specialized returns center as the shipping destination such that the package is delivered to carrier center location and picked up by the merchant or the specialized returns center.

13. The method of Claim 12, wherein the carrier center location closest to the merchant or the specialized returns center is a bulk mail center.

14. Software for providing merchandise return labels for enabling a customer to ship a package containing one or more items previously acquired from a merchant during a unique transaction, the software embodied in a memory and comprising programming operable when executed by a computer to:

access item data representing at least one detail about the item;

access transaction data representing at least one detail including an identification of the transaction associated with the item;

access customer data representing at least one detail about a customer associated with the transaction including a shipping origin;

access package data representing at least one detail about the package in which the item is expected to be shipped;

correlate the item data, transaction data, customer data, and package data, with a set of stored business rules to determine coding to be printed on a return shipping label; wherein the set of stored business rules specify how packages are to be shipped from the customer to the returns center and represent guidelines for determining choice of carrier, shipping destination, shipping rate, and package disposition for shipment from the customer to the returns center;

in response to correlating the item data, transaction data, customer data, and package data with the set of stored business rules specifying how packages are to be shipped, generate a first machine readable code for the return shipping label for shipment from the customer to the returns center, wherein the data represented by the first machine readable code comprises a plurality of data points, at least a first of the plurality of data points included in the first machine readable code representing at least the shipping origin of the package and at least a second data point in the first machine readable code representing the identification of the transaction;

in response to correlating the item data, transaction data, customer data, and package data with the set of stored business rules specifying how packages are to be shipped from the customer to the returns center, format the return shipping label, such that the return shipping label contains the first machine readable code and complies with shipping label specifications of the selected shipping carrier, the first machine readable code not associated with the carrier and in addition to a second carrier-specified machine readable code also present on the shipping label; and

in response to receiving the package containing the item for return, scanning the first machine readable code by the merchant or by the specialized returns center to correlate the first machine readable code with one or more business rules for performing returns processing for the merchant associated with the transaction.

15. The software of Claim 14, wherein the programming is operable to access at least one of the group of item data, customer data, transaction data, or product data, via a remote data communications link.

16. The software of Claim 14, wherein the programming is further operable to:
access shipping rate data; and

in response to receiving the package containing the item for return, calculate a shipping charge due to the carrier, the shipping charge based on the shipping rate data and the cost of shipping the package from the shipping origin associated with the customer to the merchant or the specialized returns center.

17. The software of Claim 14, wherein the programming is further operable to:
access carrier center location data; and

use the computer associated with the merchant or the specialized return center to format the return shipping label to include a carrier center location closest to the merchant or the specialized returns center as the shipping destination such that the package is delivered to carrier center location and picked up by the merchant or the specialized returns center.

18. The software of Claim 14, wherein the carrier center location closest to the merchant or the specialized returns center is a bulk mail center.

19. The software of Claim 14, wherein the item data identifies an item type.

20. The software of Claim 14, wherein the item data identifies an item value.

21. The software of Claim 14, wherein the transaction data is a transaction identifier.

22. The software of Claim 14, wherein the transaction data is a transaction date.

23. Cancelled

24. The software of Claim 14, wherein the customer data represents customer preferences, at least one customer preference comprising a customer-selected choice of carrier, and the software is further operable to:

use the computer operated by the merchant from whom the item was acquired or the specialized returns center associated with the merchant to format the return shipping label as required by the customer-selected choice of carrier.

25. The software of Claim 14, wherein the customer data identifies the merchant as a payee of shipping costs, and the software is further operable to:

in response to receiving the package containing the item for return, scan the first machine readable code by the merchant or by the specialized returns center to identify the merchant as the payee of shipping charges; and

in response to receiving the package containing the item for return and identifying the merchant as the payee of shipping charges, calculate the shipping charge due to the carrier, the shipping charge based on the cost of shipping the package from the shipping origin associated with the customer to the merchant or the specialized returns center.

26. The software of Claim 14, wherein the package data represents package weight, and the software is further operable to:

in response to receiving the package containing the item for return, calculate a shipping charge due to the carrier, the shipping charge based on the package weight and the cost of shipping the package from the shipping origin associated with the customer to the merchant or the specialized returns center.

27. The software of Claim 14, wherein the package data represents package size, and the software is further operable to:

in response to receiving the package containing the item for return, calculate a shipping charge due to the carrier, the shipping charge based on the package size and the cost of shipping the package from the shipping origin associated with the customer to the merchant or the specialized returns center.

28. Software for providing merchandise return labels for enabling a customer to ship a package containing one or more items previously acquired from a merchant during a unique transaction, the software embodied in a memory and comprising programming operable when executed by a computer to:

- access item data representing at least one detail about the item;

- access transaction data representing at least one detail including an identification of the transaction associated with the item;

- access customer data representing at least one detail about a customer associated with the transaction including a shipping origin;

- correlate the item data, customer data, and transaction data with a set of stored business rules to determine coding to be printed on a shipping label; wherein the set of stored business rules specify how packages are to be shipped from the customer to the returns center and represent guidelines for determining a selected shipping carrier, a shipping destination, and a shipping class or rate for shipment from the customer to the returns center;

- in response to correlating the item data, customer data, and transaction data with the set of stored business rules specifying how packages are to be shipped, generate a first machine readable code for the return shipping label for shipment from the customer to the returns center, wherein the data represented by the first machine readable code at least the shipping origin of the package and at least a second data point in the first machine readable code representing the identification of the transaction;

- in response to correlating the item data, customer data, and transaction data with the set of stored business rules specifying how packages are to be shipped from the customer to the returns center, format the return shipping label, such that the return shipping label contains the first machine readable code and complies with shipping label specifications of the selected shipping carrier, the first machine readable code not associated with the carrier and in addition to a second carrier-specified machine readable code also present on the shipping label; and

- in response to receiving the package containing the item for return, scanning the first machine readable code by the merchant or by the specialized returns center to correlate the first machine readable code with one or more business rules for performing returns processing for the merchant associated with the transaction.

29. Cancelled

30. The software of Claim 28, wherein the programming is further operable to access package data representing at least one detail about the package in which the item is expected to be shipped, and to further correlate package data with the business rules.

31. The software of Claim 28, wherein the shipping parameters further may comprise choice of carrier.

32. The software of Claim 28, wherein the shipping parameters further may comprise package disposition.

33. The method of Claim 1, wherein:
the specialized return center receives returns for and provides returns processing for a plurality of merchants;
the transaction data further comprises identification of the merchant;
at least a third of the plurality of data points included in the first machine readable code representing the identification of the merchant; and
the method further comprises scanning the first machine readable code by the specialized returns center in response to receiving the package containing the item for return to identify the merchant associated with the transaction.

34. The software of Claim 14, wherein:
the specialized return center receives returns for and provides returns processing for a plurality of merchants;
the transaction data further comprises identification of the merchant;
at least a third of the plurality of data points included in the first machine readable code represents the identification of the merchant; and
the programming is further operable to scan the first machine readable code by the specialized returns center in response to receiving the package containing the item for return to identify the merchant associated with the transaction.

35. The software of Claim 28, wherein:
the return center receives returns for and provides returns processing for a plurality of merchants;
the transaction data further comprises identification of the merchant;
at least a third of the plurality of data points included in the first machine readable code represents the identification of the merchant; and
the programming is further operable to scan the first machine readable code by the specialized returns center in response to receiving the package containing the item for return to identify the merchant associated with the transaction.

36. The computer-implemented method of Claim 1, wherein scanning the first machine readable code on the return shipping label results in the identification of the shipping origin of the package and the method further comprises calculating the shipping charge due to the carrier based on the shipping origin identified as a result of scanning the first machine readable code on the return shipping label.

37. The software of Claim 14, wherein scanning the first machine readable code on the return shipping label results in the identification of the shipping origin of the package and the method further comprises calculating the shipping charge due to the carrier based on the shipping origin identified as a result of scanning the first machine readable code on the return shipping label.

38. The software of Claim 28, wherein scanning the first machine readable code on the return shipping label results in the identification of the shipping origin of the package and the method further comprises calculating the shipping charge due to the carrier based on the shipping origin identified as a result of scanning the first machine readable code on the return shipping label.

APPENDIX B
Evidence Appendix

No other evidence was submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 entered by the Examiner and relied upon by Appellant in the Appeal.

APPENDIX C

Related Proceedings Appendix

As stated on Page 3 of this Appeal Brief, there are no known interferences or judicial proceedings that will directly affect or be directly affected by or have a bearing on the Board's decision regarding this Appeal.